

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:04-cv-00129-W**

**JAMES A. WHITLEY,**

**Plaintiff,**

**vs.**

**HARTFORD LIFE & ACCIDENT  
INSURANCE COMPANY,**

**Defendant.**

**JUDGMENT**

THIS MATTER is before the Court following remand by the unpublished opinion entered by the Fourth Circuit Court of Appeals directing this Court to enter judgment for Plaintiff. Whitley v. Hartford Life & Accident Ins. Co., No. 06-2189 (4th Cir. January 29, 2008). Counsel for Defendant has informed the Court that the parties have agreed upon the amount of past-due benefits owed Plaintiff for the period March 1, 2003, through February 29, 2008, and that the parties have agreed upon a compromise and settlement regarding Plaintiff's claim for attorney's fees, costs and pre-judgment interest. (See Doc. No. 48).

IT IS, THEREFORE, ORDERED JUDGED and DECREED that, pursuant to 29 U.S.C. § 502(a)(1)(B), Plaintiff is entitled to long-term disability benefits under the Plan at issue in this action from March 1, 2003, through the date of this Judgment, and the matter is remanded to Defendant for further administrative handling of Plaintiff's benefit claim thereafter pursuant to the terms of the Plan. Accordingly, the Court finds that a hearing in this matter is no longer necessary and hereby terminates the hearing set for April 10, 2008, at 9:00 a.m. The Clerk is DIRECTED to CLOSE the case.

**IT IS SO ORDERED.**

Signed: March 24, 2008



Frank D. Whitney  
United States District Judge

